

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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DAVID VANDERKLIPP,

Case No.: 2:24-cv-00920-JAD-BNW

Plaintiff,

V.

PREMIUM WATERS, INC., a foreign corporation,

Defendant.

ORDER

PREMIUM WATERS, INC., a foreign corporation,

Defendant.

An in-person Early Neutral Evaluation (“ENE”) is set for **Tuesday, September 24, 2024**.

Plaintiff must report to the chambers of the undersigned United States Magistrate Judge, Room 3005, Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada at **9:00 a.m.** Defendant must report to the chambers of the undersigned at **9:30 a.m.**

Do not come to the courthouse if you are experiencing flu-like symptoms or if you have been in contact with someone who has recently been diagnosed with COVID-19. If you do not feel well or believe you have been exposed to COVID-19, contact Emily Santiago at Emily_Santiago@nvd.uscourts.gov as far in advance of the ENE date as possible. The ENE may be rescheduled or arrangements may be made to have an individual appear remotely.

Unless the Court orders otherwise, all parties must be present in person for the duration of the ENE. This means that Plaintiffs and Defendants must attend unless expressly excused by the Court. **Any request to be excused must be filed, after consultation with opposing counsel, no later than seven (7) days before the date of the ENE session.**

If any party is subject to coverage by an insurance carrier, a representative of the insurance carrier with authority to settle this matter up to the full amount of the claim **must** attend.

PREPARATION FOR ENE SESSION

In preparation for the ENE session, each party must submit a confidential evaluation statement for in camera review. The **confidential evaluation statement, with exhibits should not,**

1 generally, exceed 50 pages and must be delivered electronically to
2 Emily Santiago@nvd.uscourts.gov by 3:00 p.m. on September 17, 2024.

3 The confidential evaluation statement must be presented on pleading paper (numbered
4 consecutively beginning with 1 on the left margin of each page with no more than 28 lines per page)
5 and contain the attorney or pro se party's name and address, court title, and case caption. In addition,
6 the confidential evaluation statement must contain the following:

7 1. A brief statement of the nature of the claims and defenses;

8 2. A concise summary of the evidence that supports your theory of the case, including
9 key individuals who will provide testimony if this matter goes to trial, the Rule 26(a)(1)(A)(iii)
10 computation of damages, and the Rule 26(a)(1)(A)(iv) insurance information. Each party must
11 provide all information that documents or supports your damages claims. Copies of medical records
12 or treatment records need not be submitted; however, these may be provided in a table or summary
13 format;

14 3. Any documents or exhibits that are relevant to key factual or legal issues, including
15 selected pages from deposition transcripts or responses to other discovery requests. Please do not
16 provide entire deposition transcripts or audio/video recordings;

17 4. An analysis of the key issues involved in the litigation. The analysis must include a
18 discussion of the strongest points in your case, both legal and factual, and a frank discussion of the
19 weakest points as well. The Court expects the parties to present a thorough analysis of the key issues
20 and candid evaluation of the merits of your case;

21 5. Identification and explanation of any obstacles to settlement such as medical liens,
22 statutory caps, or motions pending before the court;

23 6. The history of settlement discussions, if any, which have occurred in this case.
24 Provide any demands, offers or offers of judgment that have been made and, if applicable, the
25 reasons they have been rejected; and

26 7. The initial settlement proposal that will be presented at the ENE session with a
27 justification for any monetary amount. The proposal must include any non-monetary settlement
28 terms that will be presented.

Do not serve a copy of your confidential evaluation statement on opposing counsel. Do not deliver or mail a copy to the clerk's office.

The purpose of the ENE statement is to assist the undersigned Magistrate Judge in preparing for and conducting the ENE session. To facilitate a meaningful conference, your utmost candor in responding to all of the above-listed topics is required. The ENE statement is confidential. If this case does not settle, the ENE statement will not be disclosed to the district judge who will preside over the trial. Each statement will be securely maintained in chambers and will be destroyed following the conference.

Failure to comply with the requirements set forth in this Order will subject the non-compliant party to sanctions under Federal Rule of Civil Procedure 16(f)

Dated this 8th day of July, 2024.

Elayna J. Youchah
ELAYNA J. YOUCAHAN
UNITED STATES MAGISTRATE JUDGE